

**Alexander Bistritzky and Local 32E, SEIU, AFL-CIO. Case AO-337**

September 13, 1996

**ADVISORY OPINION**

**BY CHAIRMAN GOULD AND MEMBERS BROWNING  
AND FOX**

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on July 31, 1996, Alexander Bistritzky<sup>1</sup> (the Employer), filed a petition for Advisory Opinion as to whether the Board would assert jurisdiction over its operations. In pertinent part, the petition alleges as follows:

1. A representation petition, Case Nos. SE-59175, SE-59176, and SE-59178, filed by Local 32E, SEIU, AFL-CIO (the Union) is currently pending before the New York State Labor Relations Board (State Board).

2. The Employer is in the real estate business and manages and controls the residential premises located at 729 West 186th Street, 10 Overlook Terrace, and 739 West 186th Street, Manhattan, New York.

3. The foregoing buildings generate in excess of \$500,000 per year in income.

<sup>1</sup> A petition was filed on July 31, 1996, by 729 West 186th Corp. The petition was amended on August 8, 1996, to reflect the current Petitioner.

4. The Employer is unaware whether the Union admits or denies the aforesaid commerce data and the State Board has not made any findings with respect thereto.

5. There are no representation or unfair labor practice proceedings involving the Employer pending before the Board.

Although all parties were served with a copy of the petition for Advisory Opinion, no response was filed.

Having duly considered the matter,<sup>2</sup> the Board is of the opinion that it would assert jurisdiction over the Employer. The Board has established a \$500,000 discretionary standard for asserting jurisdiction over residential buildings.<sup>3</sup> As the Employer alleges that the buildings generate in excess of \$500,000 per year in income, assuming the Employer is a single employer with respect to the buildings, it is clear that the Employer satisfies the Board's discretionary standard. Assuming that the Petitioner's out-of-state purchases are more than de minimus, it would also satisfy the Board's statutory jurisdiction.<sup>4</sup>

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Employer.

<sup>2</sup> The Board has delegated its authority in this proceeding to a three-member panel.

<sup>3</sup> See *Parkview Gardens*, 166 NLRB 697 (1967).

<sup>4</sup> See *Mandel Management Co.*, 229 NLRB 1121 (1977).